IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

GEORGIA-PACIFIC CONSUMER PRODUCTS LP,	
FORT JAMES CORPORATION, and	5
GEORGIA-PACIFIC LLC,	j
Plaintiffs,)
v.) No. 11-cv-00483
NCD CODDOD ATION)
NCR CORPORATION,) Judge Robert J. Jonker
INTERNATIONAL PAPER CO., and)
WEYERHAEUSER COMPANY,)
Defendants.	j

DECLARATION OF DARIN P. MCATEE IN SUPPORT OF DEFENDANT NCR CORPORATION'S MOTION TO COMPEL PLAINTIFFS TO PRODUCE NON-PRIVILEGED DOCUMENTS CONCERNING THIRD PARTIES

- I, DARIN P. MCATEE, declare as follows:
- 1. I am a member of the law firm of Cravath, Swaine & Moore LLP, and I am one of the attorneys representing Defendant NCR Corporation ("NCR") in the above-captioned action.

 I am admitted to practice in the Western District of Michigan.
- 2. I submit this declaration in support of Defendant NCR Corporation's Motion to Compel Plaintiffs to Produce Non-Privileged Documents Concerning Third Parties.
- 3. Attached hereto as <u>Exhibit A</u> is a true and correct copy of Defendant NCR Corporation's First Requests for the Production of Documents to Plaintiffs Georgia-Pacific Consumer Products LP, Fort James Corporation and Georgia-Pacific LLC, dated August 23, 2011.
- 4. Attached hereto as <u>Exhibit B</u> is a true and correct copy of an excerpt of the transcript of Videotaped Deposition of Leon Martin, dated August 30, 2011.

- 5. Attached hereto as <u>Exhibit C</u> is a true and correct copy of an excerpt of the transcript of Videotaped Deposition of Donald D. Lacey, dated August 31, 2011.
- 6. Attached hereto as <u>Exhibit D</u> is a true and correct copy of a letter from Omid H.

 Nasab to Tara Falsani, dated August 15, 2011.
- 7. Attached hereto as Exhibit E is a true and correct copy of a letter from Joseph C. Kearfott to Omid H. Nasab, dated August 17, 2011
- 8. Attached hereto as Exhibit F is a true and correct copy of Affidavit of Leon W. Martin, dated November 12, 2010.
- 9. Attached hereto as <u>Exhibit G</u> is a true and correct copy of Affidavit of Gene Edgerton, dated November 2, 2010.
- 10. Attached hereto as Exhibit H is a true and correct copy of Affidavit of George Hunter, dated December 6, 2010.
- 11. Attached hereto as <u>Exhibit I</u> is a true and correct copy of an excerpt of the transcript of Video Deposition of James Kittrell, dated January 11, 2012.
- 12. Attached hereto as <u>Exhibit J</u> is a true and correct copy of Georgia-Pacific's Responses and Objections to Defendant NCR Corporation's First Requests for the Production of Documents, dated September 26, 2011.
- 13. Attached hereto as Exhibit K is a true and correct copy of an e-mail chain between Omid Nasab, Doug Garrou, Trey Sibley, Joe Kearfott and others, dated January 5, 2012.
- 14. Attached hereto as <u>Exhibit L</u> is a true and correct copy of an e-mail from Omid Nasab to George Sibley, copying others, dated January 30, 2012.
- 15. Attached hereto as <u>Exhibit M</u> is a true and correct copy of an e-mail chain between Omid Nasab, Trey Sibley and others, dated February 9, 2012.

- 16. Attached hereto as <u>Exhibit N</u> is a true and correct copy of a letter from George P. Sibley to Omid H. Nasab, dated February 22, 2012.
- 17. Attached hereto as <u>Exhibit O</u> is a true and correct copy of an excerpt of the transcript of Videotaped Deposition of Mr. John Gough, dated October 20, 2011.
- 18. Attached hereto as <u>Exhibit P</u> is a true and correct copy of Plaintiffs' Amended Notice of 30(b)(6) Deposition of NCR Corporation and Request for Production of Documents, dated December 16, 2011.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 26, 2012.

Darin P. McAtee

Counsel for NCR Corporation

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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2012, I electronically filed the Declaration of Darin P. McAtee in Support of Defendant NCR Corporation's Motion to Compel Plaintiffs to Produce Non-Privileged Documents Concerning Third Parties (with Exhibits A to P) using the ECF system, which will send notification of such filing by operation of the Court's electronic systems. Parties may access this filing via the Court's electronic system.

FURTHERMORE, I hereby certify that on March 26, 2012, I served by electronic mail a copy of the aforementioned document upon counsel listed below:

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Dated: March 26, 2012 NCR CORPORATION

/s/ Darin P. McAtee Counsel for NCR Corporation

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